

**REPORT OF THE HEAD OF PLANNING AND REGENERATION****14/00952/FULL - CONVERSION OF REDUNDANT WORKSHOP (CLASS B2) TO A DWELLING (73.76 SQM) AND WORK UNIT (19.20SQM) INCLUDING ART GALLERY WITH ALTERATIONS TO EXISTING ACCESS (REVISED SCHEME) - LAND AND BUILDINGS AT NGR 277271 106701(RIXEY LANE) MORCHARD BISHOP DEVON**

**REASON FOR REPORT:** To determine this planning application and consider the planning case to grant permission as Planning Committee were minded to do at the meeting of 13<sup>th</sup> August 2014.

**Relationship to Corporate Plan:**

The Corporate Plan contains key objectives that include thriving economy, better homes and caring for our environment. These are relevant to this application.

**Financial Implications:**

No known potential costs.

**Legal Implications:**

None likely.

**Risk Assessment:**

Possible risk of setting a precedent.

**Consultation carried out with:**

See report below and original Committee report and update sheet.

**1. INTRODUCTION**

1.1 Members resolved at the Planning Committee held on 13<sup>th</sup> August 2014 that the Committee were minded to recommend approval subject to conditions and requested a further report to consider-

1.2 The Committee's reasons for Approval

- a) The proposed application for the Conversion of redundant workshop (class B2) to a dwelling (73.76 sqm) and work unit (19.20sqm) including art gallery with alterations to existing access (Revised Scheme), is in line with The National Planning Policy framework Paragraph 55:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a nearby village"...."Where the development would re-use

redundant or disused buildings and lead to an enhancement to the immediate setting.”

- b) There are limited employment uses for the building in its present form.
- c) The site is close to existing housing in Oldborough, Ford and Morchard Bishop, and therefore is in a sustainable location
- d) The building is suitable for conversion
- e) Its conversion as proposed will enhance its appearance and the location generally

## **2.0 THE IMPLICATIONS OF APPROVING THE APPLICATION**

2.1 Policy DM11 permits the conversion of rural buildings to residential use where

- i) a suitable access to the building is in place or can be created without damaging the surrounding rural character and the road network can support the proposed use.
- ii) The building can be converted without significant alteration, extension or re-building.
- iii) The design will retain the original character of the building and its surroundings.
- iv) The development retains any nature conservation interests and where possible provides net gains.

and where the building is of substantial and permanent construction which positively contributes to an areas rural character.

2.2 Members at the last Committee for the reasons set out in paragraph 1.2 above considered the building meets the policy criteria and the building and its retention made a positive contribution to the area’s rural character.

2.3 Policy DM21 protection of employment land requires commercial buildings for this type to be actively marketed for sale or rent at an appropriate level for at least 18 months. The provisions of policy DM21 have not been complied with. However, the proposal as well as providing residential accommodation will provide some workshops/studio space to enable the applicant to work from the premises. The building will therefore continue to provide in part an employment opportunity.

## **3.0 SUGGESTED CONDITIONS in the event that planning permission is granted**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in conformity with the details shown on the approved plans and contained in the form of application and in any other documents accompanying such application or contained in any approved amending document.
3. Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building shall be submitted to,

and be approved in writing by the Local Planning Authority, and no other materials shall be used.

4. Prior to the commencement of the works hereby approved working details of the new windows and doors including sections, mouldings and profiles shall be submitted to and approved in writing by the Local Planning Authority, and the windows and doors shall be installed in accordance with the approved details. All doors and windows shall be timber and thereafter so retained.
5. The rooflights indicated on the approved plans shall be of conservation design flush fitting to the line of the roof and thereafter so retained.
6. The proposed work areas shall be used for a studio and art gallery purposes only and for no other purpose (including any other purpose of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the class in any statutory instrument revoking and re-enacting that order with or without modification).
7. The areas indicated as work areas on the approved drawings shall be permanently retained for an art studio and art gallery purposes in connection with and ancillary to the occupation of the respective dwelling and shall not be used for additional residential accommodation or let, sold or otherwise occupied independently of the dwelling.
8. No part of the development hereby approved shall be brought into its intended use until the parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the length and position of the proposed hedge together with details of planting density and species to be used. The proposed hedge shall be planted within the first planting season following commencement of the development in accordance with the approved details. The boundary treatment once provided shall not be removed. Within a period of 5 years from the completion of the development, any plants which die, are removed or become damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, B, C, D, E and G of Part 1 and Classes A and C of part 2 of Schedule 2 (which includes enlargement, improvement or other alteration, porches, sheds, greenhouses, huts, oil storage tanks, fences and walls) shall be undertaken on the premises, other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained.
11. Before any work commences, a schedule of works required to secure the safety and stability of the building during the conversion period, shall be agreed in writing by the Local Planning Authority. Such works shall include measures to strengthen any wall or vertical surface, to support any floor, roof or horizontal surface, and to provide

protection for the building against the weather during the progress of the works. The agreed schedule shall be strictly adhered to during the conversion works.

12. Prior to the commencement of the development details of measures to provide roosting accommodation for bats and alternative nesting sites for birds shall be submitted to and approved in writing by the Local Planning Authority. Such details shall take into account the recommendations of the ecological report submitted in support of this application and these works shall be completed in accordance with the agreed details prior to first occupation of the building and so retained.

## **REASON FOR CONDITIONS**

1. In accordance with the provisions of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure that the proposed development is carried out as approved.
3. To ensure the materials used make a positive contribution to the visual appearance of the completed development.
4. To safeguard the character and appearance of the converted rural buildings.
5. To safeguard the character and appearance of the converted rural buildings.
6. Given the rural location of the property, its proximity to another dwelling and the character of the approach roads, traffic generation should be kept to a minimum and a more intensive use is likely to generate greater volumes of traffic.
7. Development plan policy seeks to ensure that where possible, economic uses (including live/work) are found for redundant rural buildings in favour of wholly residential properties. Consequently the Local Planning Authority wishes to ensure that economic use of the building is retained.
8. To ensure that adequate facilities are available for the traffic attracted to the site.
9. To ensure there is sufficient and appropriate screening to protect the amenities of the occupiers of the adjacent property and the character of the converted rural buildings.
10. In order to maintain the character of the rural buildings and to prevent the erection of extensions and outbuildings which may detract from that rural character both of the buildings and their former agricultural setting.
11. To ensure the safety and stability of the building during conversion.
12. In order to provide adequate accommodation for protected species and other wildlife.

## **4.0 CONCLUSIONS**

- 4.1 The case for refusal is set out in the officers report attached. Should Members wish to grant permission the following case could be made.

This property can be considered in a more favourable light, bearing in mind the recent changes in planning legislation. This new legislation allows the conversion of agricultural buildings to residential use under the new permitted development rights. It would seem obdurate not to consider the building more in terms as that of an

agricultural building which no-longer serves a functional use, due to its location and appearance, rather than as an old B2 use building located in the countryside for works to lorries associated with agriculture.

Other dwellings are nearby and the overall benefit will out way the negative impact there may be in terms of stringent policy implementation in this case.

Overall there will be an enhancement of the immediate area in terms of appearance and possible art tourism being generated.

**Contact for any more information**

Daniel Rance, Principal Planning Officer  
01884 234394

**Background Papers**

Planning Committee agenda 13<sup>th</sup> August  
2014

**File Reference**

14/00952/FULL

**Circulation of the Report**

Cllr Richard Chesterton  
Cllr Polly Colthorpe

**Grid Ref:** 277272 : 106702

**Applicant:** Mrs Pam Cox

**Location:** Land and Buildings at NGR  
277271 106701(Rixey Lane)  
Morchard Bishop Devon

**Proposal:** Conversion of redundant  
workshop (class B2) to a  
dwelling (73.76 sqm) and  
work unit (19.20sqm)  
including art gallery with  
alterations to existing access  
(Revised Scheme)

**Date Valid:** 16th June 2014



## **Application No. 14/00952/FULL**

### **RECOMMENDATION**

Refuse permission.

### **CLLR MARGARET SQUIRES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

1. To consider if the building is suitable and worthy for conversion to a live/work unit.
2. To consider given the relationship of the building with the residential nature of the adjacent buildings if this is a suitable use of this building.

### **PROPOSED DEVELOPMENT**

Conversion of redundant workshop (class B2) to live/work unit including art gallery with alterations to existing access.

The existing building is of two storey height with a small mezzanine area under a pitched roof with an attached single storey lean-to located to the side of the building, that sits on the edge of the site with an access to the front and side of the building gaining access to the agricultural field behind. The palette of materials comprises of big six corrugated roofing to both roof slopes, unpainted rendered walls. There are currently 3 windows set into the building one under the eaves, another a small window to the eastern gable and a window in the north wall of the lean-to. To the front western gable are separate full height double doors serving both the main building and the lean-to.

Access to the site is via a field gate and direct access onto the highway at a junction. The site is in the open countryside, located to the south and east of Morchard Bishop between a small number of properties.

The floor plan of the main building is 8.5m x 4m and the lean-to 8.5m x 3m. The lean-to is open plan with the main building open plan with a small mezzanine area, with doors in the front elevations. It is presently utilised for the storage of domestic items and assorted other items.

The proposal is to create a 2 bedroom dwelling with 1 x bathroom, in the upper part of the main building with a sitting/dining room and an art gallery to the main building ground floor with stairs to the first floor. In addition an art studio, kitchen and wc/utility are to be provided within the lean-to portion of the building. Twelve new window and door openings are to be formed within the current walling and the existing pair of solid double doors to the front of the building, with 4 roof lights within the roofs.

The concrete apron at the front of the building is to be mainly removed in order to create a paved area. Hedging is to be removed from the front of the site to create a visibility splay with additional hedgerow planting proposed where necessary.

Access to the site is to be altered and moved to provide increased visibility to the site. The plans indicate the proposed provision of 3 parking spaces to serve both the residential and art gallery, art studio users.

Foul drainage is to be managed with a connection to the main sewer, which runs through the field to the rear of the building

### **APPLICANT'S SUPPORTING INFORMATION**

Plans, elevations, block and site plans - existing and proposed.

Supporting planning statement

Bat Roosting Assessment prepared by Mrs P Cox Encompass Ecology LTD October 2013.

Structural report prepared by Stephen Rogers prepared October 2013.

## PLANNING HISTORY

04/02213/FULL - Conversion and extension of garage/store to dwelling and change of use of land to form curtilage of dwelling - REFUSE - 25th January 2005

### Reasons for Refusal:

1. The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Policy ST1 of the Devon Structure Plan 2001 - 2016; Policy S5 of the Mid Devon Local Plan First Alteration Revised Deposit, Policy S1 of the Mid Devon Local Plan and advice contained in Planning Policy Statement 7.
2. It is considered that the degree of physical alteration, extensions and change to the fabric of the building including the installation of new openings and excessive domestic curtilage will introduce and overly residential character to the detriment of the simple function of the building and will in turn have a detrimental impact upon the rural character of the area and is therefore contrary to Policies S7 and H15 of the Mid Devon Local Plan (First Alteration) Revised Deposit and Policy H5 of the Mid Devon Local Plan.
3. In the opinion of the Local Planning Authority the building is not worthy of conversion as it is not of a traditional character, the retention of which is important to the character and appearance of the area is therefore contrary to Policy H15 of the Mid Devon Local Plan (First Alteration) Revised Deposit and Policy H5 of the Mid Devon Local Plan.
4. The design and external appearance of the proposed development would, in the opinion of the Local Planning Authority, be inappropriate to this site and out of keeping with the rural character of the area. The proposal would thus detract from the visual amenity of the area.
5. The proposed development would be located where it is remote from adequate services, employment, education, public transport and will therefore increase the need for travel by private motor vehicles which is none-sustainable and is therefore contrary to Policy ST1 and ST2 of the Devon Structure Plan 2001 to 2016, Policy S9 of the Mid Devon Local Plan (First Alteration) Revised Deposit and Policy TR6 of the Mid Devon Local Plan as well as advice contained in Planning Policy Guidance Note no.13.

05/01469/FULL Conversion and extension of garage/store to dwelling and change of use of land to form curtilage of dwelling (Revised scheme) - REFUSED - 31st August 2005. The decision was appealed. The appeal was dismissed. A copy of the decision letter is appended to this report.

### Reasons for Refusal:

1. The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Policy ST1 of the Devon Structure Plan 2001 - 2016; Policy S5 of the Mid Devon Local Plan First Alteration Revised Deposit Proposed Modifications, Policy S1 of the Mid Devon Local Plan and advice contained in Planning Policy Statement No.7.
2. In the opinion of the Local Planning Authority the building is not worthy of conversion as it is not of a traditional character, the retention of which is important to the character and appearance of the area, is therefore contrary to Policy H15 of the Mid Devon Local Plan First Alteration Revised Deposit Proposed Modifications and Policy H5 of the Mid Devon Local Plan.
3. The proposed development would be located where it is remote from adequate services, employment, education, public transport and will therefore increase the need for travel by private motor vehicles which is non-sustainable and is therefore contrary to Policy ST1 and ST2 of the Devon



Structure Plan 2001-2016, Policy S9 of the Mid Devon Local Plan First Alteration Revised Deposit Proposed Modifications and Policy TR6 of the Mid Devon Local Plan as well as advice contained in Planning Policy Guidance Note No.13.

4. *The proposal incorporates an excessive domestic curtilage that will, in the opinion of the Local Planning Authority, introduce an overly residential character to the site and will have a detrimental impact on the rural character of the area and is therefore contrary to Policies S7 and H15 of the Mid Devon Local Plan First Alteration Revised Deposit Proposed Modifications and Policy H5 of the Mid Devon Local Plan.*

13/01243/FULL Conversion of redundant workshop (class B2) to live/work unit including art gallery with alterations to existing access - REFUSED - 19th December 2013

Reasons for Refusal:

1. *In the opinion of the Local Planning Authority the building subject of this application is of a design and appearance which does not positively contribute to the rural character of the area and is therefore not suitable for conversion to a dwelling. In addition the building is considered at the moment not to be disused or redundant. The application is therefore contrary to Policy DM11 of the Mid Devon Local Plan Local Plan Part 3 (Development Management Policies).*

2. *It is considered that the degree of physical alteration, and change to the fabric of the building including the installation of new openings and excessive domestic curtilage will introduce an overly residential character to the building as seen in the local context to the detriment of the simple function of it which will in turn have a detrimental impact upon the rural character of the area and is therefore contrary to Policies DM2, DM11, DM14 of the Local Plan Part 3 (Development Management Policies).*

3. *In the opinion of the Local Planning Authority the planning application proposal does not present residential living accommodation which satisfactorily responds to requirements established by Policies DM2 and DM15 of the Local Plan Part 3 (Development Management Policies).*

4. *In the opinion of the Local Planning Authority it is not considered that the building as a B2 use has not been satisfactorily marketed and demonstrated there is no reasonable prospect of the site being used for employment purposes, and therefore is considered that the planning application proposals is contrary to the requirements of Policy DM21 of the Local Plan Part 3 (Development Management Policies).*

*Other than the applications referred to above and the three refusals there is no other planning history recorded for the site. Although the applicant has described the lawful use of the building for B2 purposes, the photographs provided by the applicant show the use of the building presently as occasional storage for domestic/agricultural items.*

*Given the uncertainty about the lawful use of the site, and it's resent use as domestic store it is considered that the building may no longer fall within the commercial use (B2). However the Authority have no reason to doubt the previous use as set out in the planning statement submitted with the application and is content to consider the application as presented.*

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR18 - Countryside

### **Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)**

AL/IN/3 - Public Open Space

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM21 - Protection of employment land

### **CONSULTATIONS**

MORCHARD BISHOP PARISH COUNCIL - 8th July 2014 - Supported by a majority.

HIGHWAY AUTHORITY - 26th June 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

### **REPRESENTATIONS**

There are 3 representations in total two objection (both from the same objector) and one in support.

The objector's views are summarised as follows

1. A revised scheme of previous application 13/01243/Full
2. No further evidence of marketing has taken place, minimum of 18 months
3. Site is in open countryside and non-sustainable
4. There will be a considerable change to the appearance of the land
5. The existing 5bar gate has a rural appearance, the alterations to provide a safe access will alter the character of the junction
6. The garden area is the whole field and even with PD rights removed will inevitably become cluttered.
7. No locational reason for the gallery to be there
8. Large garden for a 2 bed house not efficient use of the land
9. The 4 tests in DM11 are not met
10. Policy DM14 requires storage of bicycles etc no provision made.
11. No demonstration under DM24 that the need for the gallery cannot be met within nearby settlements.
12. The highly glazed area to the west will be a strikingly dominant feature, with possible highway issues

Supporter's comments are summarised as follows

1. There are already houses in the area with large gardens
2. It will enhance the look of the area

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application site forms a stand-alone agricultural style building between Frost and Oldborough at the junction of Rixley Lane and Oldborough, and approximately 50 metres from the Grade II Building of Paradise to the south and Frost Cottages 130m to the north.

**The main issued in the determination of this application are:**

- 1. Policy**
- 2. Principle of converting the building to a dwelling**
- 3. Loss of Employment Land**
- 4. Housing supply issues**
- 5. Recent Dismissed appeals in Mid Devon District Council area**
- 6. Other matters**

## **1. Policy.**

The site is located in the open countryside where Policy COR18 of Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development. However, in respect of this application this policy is in conflict with the National Planning Policy Framework (the NPPF) and the Local Plan Part 3 (Development Management Policies Local Plan Part 3 (Development Management Policies) in that it does not in principle allow for the conversion of redundant or disused buildings.

Paragraph 55 of the NPPF provides a number of examples of where exceptions to the general presumption against new homes in the countryside can be made. One of these exceptions is for proposals where the re-use of redundant or disused buildings would lead to an enhancement of the immediate setting. The NPPF is not part of the statutory development plan but sets out the Government's planning policy and provides guidance to Local Planning Authorities both in drawing up their own distinctive plans which reflect the needs and priorities of their communities and as a material consideration in determining applications (paragraphs 1, 12 and 13). The Local Plan Part 3 (Development Management Policies) has been produced since the publication of the NPPF.

Policy DM11 of the Local Plan Part 3 (Development Management Policies) builds upon the content of paragraph 55 of the NPPF and sets out the criteria to be applied when assessing applications for the conversion of redundant or disused buildings. It requires such buildings to be of a substantial and permanent construction and that positively contribute to the rural character of an area. If a building passes this initial assessment the policy goes on to require it to have or be capable of having a suitable access, to be converted without significant alteration, extension or rebuilding retaining the original character of the building and its surroundings and retain any nature conservation interest associated with the site or building. The Local Plan Part 3 (Development Management Policies) was adopted after the NPPF and is compliant with it.

Policy DM21 establishes a presumption in terms of protecting employment land for employment uses unless it can be demonstrated that there is no reasonable prospect of the site being used for employment uses, and establishes 3 criteria to make that assessment.

Policy DM1 of the Local Plan Part 3 (Development Management Policies) seeks to encourage sustainable development. Policy DM2 states development must be of high quality and identifies a number of criteria which planning application proposals should normally comply with. Policy DM15 goes onto establish space requirements for newly constructed dwellings

Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document seeks to provide at least 60 square metres of public open space for each new market dwelling.

## **2. Principle of a converting the building to a dwelling including design criteria**

Policy DM11 requires buildings for conversion to positively contribute to the rural character of an area and that would infer that a building has to have a certain level of attractiveness in order to be considered positively for conversion.

The applicant has put forward the following case in terms to support the principle of converting the building to a residential dwelling

"It is considered by the applicant that the application is in accordance with National Planning Policy Framework (NPPF) as the application scheme that development management should be a positive process with approval granted for "sustainable rural communities". That all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements should be avoided".

It is considered that the building does not positively contribute to the rural character of the area based on its design, materials and appearance in relation to its surroundings. However it is not considered that the building itself is harmful to the rural character of the area, rather it reads as a functional utilitarian building. The building is at present being used as storage of domestic items and other paraphernalia. This conclusion that the building does not positively contribute to the rural character of the area was shared by the appeal inspector on application 05/01469/FULL. Policy at the time

required buildings to be important to the character or appearance of the area. The Inspector stated '....This criterion would not be satisfied as the building is of rendered blocks and corrugated sheets, with timber and metal doors and is of unremarkable appearance'.

The property is not within a defined settlement limit and is set within the open countryside to which the National Planning Policy Framework Paragraph 55 states that where the development would re-use redundant or disused buildings and lead to enhancement to the immediate setting then consideration should be made to approval of the scheme.

In summary it is not accepted that the building is currently redundant and disused, and therefore means that the building is not appropriate/available for conversion in accordance with Para 55 of the NPPF. In this instance, the post-war construction of the building which exhibits little architectural merit renders it as a building which does not positively contribute to the rural character of the area and is a type of agricultural style building which does not merit preservation. Accordingly, the application is considered also to be contrary to the requirements of Policy DM11 of the Local Plan Part 3 (Development Management Policies).

In respect of the other requirements of Policy DM11 proposed design with the number of new openings to be formed would be at odds with the utilitarian character and appearance of the building and it is considered that this would be a reason to justify refusing planning permission. The internal structure of the building will require extensive insulation and alteration to comply with building regulations, and the findings as set out in the Bat Report and the Structural Report are noted. Notwithstanding if the building could be converted without affecting any nature conservation interest and without significant structural alteration these considerations do not override the main objection to the scheme which arises from the building not passing the initial test set out in Policy DM11.

The agent and applicant have made some scheme changes that seek to address the refusal of 13/01243/Full. However the proposal still provides a number of additional openings in to the building changing the overall utilitarian character. The design as revised is considered an improvement over 13/01243/FULL but fundamentally still seeks to amend the building to accommodate the uses rather than working with the building in a sympathetic way. No provision has been made to reduce the size of the garden.

### **3. Loss of Employment Land**

In the planning statement submitted to support the planning application the applicant states that the legal use of the building is for the garaging of lorries and associated repairs, falling within use class B2. The applicant has stated that it was marketed in 2005, and since 2006 the building has been used on a sporadic basis. At the time of the site visit the building was in use for storage purposes.

In terms of the planning assessment, the second criterion of policy DM21 is considered most relevant to this part of the assessment process. This part of the policy requires that before alternative uses are considered it is necessary to demonstrate that there is no commercial interest in the re-use of the site for employment, as demonstrated by a suitable marketing campaign at an appropriate price for at least 18 months. Information from the applicant is that efforts to let the building in 2005 failed. No evidence of marketing, its length or parameters have been submitted to support the application despite officer requests following the previous refusal that more information be provided.

In conclusion based on the evidence submitted it has not been satisfactorily demonstrated that there is no reasonable prospect of the site being used for employment purposes again, which is its lawful uses according to the applicant, and therefore does not comply with requirements of policy DM21.

### **4. Housing supply issues**

The applicant has made reference to a recent case Gallagher vs Solihull this case relates to an application concerning the development of the sites for housing. The points of contention in this case are:-

Ground 1: The Council adopted a plan that was not supported by a figure for objectively assessed housing need, contrary to the requirements to (i) have regard to national policies issued by the

Secretary of State (section 19(2)(a) of the 2004 Act), and (ii) adopt a sound plan (sections 20 and 23 of the 2004 Act).

Ground 2: The Council adopted a plan without cooperating with other local planning authorities, contrary to the duty to cooperate (section 33A of the 2004 Act).

Ground 3: The Council adopted a plan without regard to the proper test for revising Green Belt boundaries set out in the national policy, again contrary to the requirements to have regard to national policies and adopt a sound plan.

The reference to Gallagher vs Solihull is irrelevant as that judgment refers to a Local Plan being subject to Examination and Mid Devon has an adopted Local Plan. The reference to the East Devon Local Plan is also irrelevant as this also refers to a Local Plan being subject to Examination and Mid Devon has an adopted Local Plan.

The statement correctly indicates that the adopted Mid Devon Local Plan Part 1: Core Strategy contains a target of 340 dwellings per annum as contained in Policy COR3 i.e. 6,800 dwellings across the plan period 2006 to 2026. However the references to a need for 11,250 houses or 562 houses per year and an interim figure of 420 houses per year are irrelevant as those figures are contained in the Local Plan Options Consultation document (January 2014). At such an early stage in the development of the new Local Plan the content of the Options Consultation document carries no weight in planning decisions. It should also be noted that the results of the Strategic Housing Market Assessment (SHMA) have not yet been published and reference to them within the agent's statement are therefore inaccurate.

Information submitted to support this application seeks to establish that permission for this scheme should be granted based on a housing shortfall and lack of five year land supply. This proposal is for a single live/work dwelling.

In relation to the shortfall of housing referred to the figures are correct for the years referred to, but it is the shortfall against construction during the plan period which should be used i.e. from 2006. As set out in the Council's 2013 Annual Monitoring Report (AMR) the total number of houses constructed up to April 2013 was 2,306 against a target of 2,380 (340x7). The shortfall is therefore 74 houses not 159 as claimed. To determine whether Mid Devon has sufficient housing supply to meet projected need and the shortfall, a five year supply calculation must be carried out. As set out in the 2013 AMR Mid Devon had 113% of its required five year supply inclusive of the shortfall so there is no justification for releasing further land for housing development on land supply grounds. The shortfall on its own is not sufficient to justify the release of more land for development, nor the granting of this permission.

It is also noted that the statement makes reference to Dartmoor having an exceptions policy as an example of a more pragmatic approach. The Mid Devon Local Plan Part 2: Allocations and Infrastructure DPD which was adopted in 2010 already contains such a policy (AL/DE/6).

## **5. Recent Dismissed appeals in Mid Devon District Council relating to conversion of redundant rural buildings**

Appeal Ref: APP/Y1138/A/14/2214156

Rock Park Farm, Woodland Head, Yeoford, Crediton EX17 5HE

The Inspector considered the main issue is whether the building is appropriate for conversion having regard to local and national policies relating to the re-use of redundant or disused buildings in rural areas. Overall, regardless of whether it could reasonably be converted without significant alteration, extension or rebuilding, for the reasons given the Inspector concluded that this agricultural building is one that merely reflects the rural character of the local area rather than being one that makes any positive contribution to it. Its conversion for residential use would therefore conflict with DMP Policy DM11. None of the arguments that have been put were considered sufficient to outweigh this conflict with development plan policy. The appeal was therefore dismissed.

Appeal Ref: APP/Y1138/A/14/2211253

Tanyard Farm, Willand, Cullompton EX15 2PE

The Inspector identified the main issue in this appeal is whether, having regard to the approach of the development plan and national planning policies relating to the conversion of redundant or disused rural buildings, the appeal building is appropriate for conversion to a residential dwelling. The Inspector considers that there were not material considerations that would outweigh the conflict of the development with Policy DM11 of the Council's Local Plan Part 3 (Development Management Policies) and national planning policies. The appeal building was therefore inappropriate for conversion to a residential dwelling.

It is evident from the details of these two appeals within Mid Devon District Council that the approach of the authority over the suitability of buildings for conversion in relation to the National Planning Policy Framework and the Local Plan as outlined in Policy DM11 is being supported by Appeal Inspectors.

### **Other matters**

Transport Issues: Although remote, access to the site is achievable via country roads, this is likely to be principally by the use of the motor cars, in addition public transport is available by way of busses which pass the site.

Residential Amenity Issues: Amenity levels for the property are more than adequate and will provide a very large garden for the size of property. It is considered the change to the field to domestic garden area will impact on the nature of the surrounding rural character, to its detriment.

Flood Risk and Drainage. There are no flood risk and/or drainage issues arising

Section 106 Issues. A contribution is required towards the provision of new/maintenance of existing open space off site to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document: The provision and Funding of Open Space Through Development (May 2008). The scope of the contributions required would be £1166.00. This has been received and therefore the proposal accords with this policy.

### **REASONS FOR REFUSAL**

1. In the opinion of the Local Planning Authority the building subject of this application is of a design and appearance which does not positively contribute to the rural character of the area and is therefore not suitable for conversion to a dwelling. In addition the building is considered to not to be disused or redundant. The application is therefore contrary to Policy DM11 of the Local Plan Part 3 (Development Management Policies).
2. It is considered that the degree of physical alteration, and change to the fabric of the building including the installation of new openings and excessive domestic curtilage will introduce an overly residential character to the building and its surroundings as seen in the local context to the detriment of its simple functional appearance. This will also have a detrimental impact upon the rural character of the area and is therefore contrary to Policies DM2, DM11, and DM14 of the Local Plan Part 3 (Development Management Policies).
3. In the opinion of the Local Planning Authority it is considered that this building with a B2 use has not been satisfactorily marketed, nor has it been demonstrated there is no reasonable prospect of the site being used for employment purposes, and therefore it is considered that the planning application proposal is contrary to the requirements of Policy DM21 of the Local Plan Part 3 (Development Management Policies).